

Civil Writ Petition No. 1841 of 2001
(Old No. 40515/1999)

Jai Prakash Pandey		Petitioner
	V/s	
Bajpur Co-operative Sugar Factory Ltd. and Others		Respondents
		

Hon. P.C. Verma,J.
Hon. Irshad Hussain,J.

Heard Sri G. S. Bist, learned counsel for the petitioner and learned counsel for the respondent.

The petitioner is apprentice and claims the benefit available to him provided in the guide lines contained in para 12 of the judgment of the apex Court in U.P.S.R.T.C. and another Vs. U. P. Parivahan Nigam Shishukhs Berozgar Sangh and others, which reads as under:

"In the background of what has been noted above, we state that the following would be kept in mind while dealing with the claim of the trainees to get employment after successful completion of their training:-

- (1)Other things being equal, a trained apprentice should be given preference over direct recruits.
- (2)For this, a trainee would not be required to get his name sponsored by any employment exchange. The decision of this Court in Union of India Vs. Hargopal, AIR 1987 SC 1227, would permit this.
- (3)If age bar would come in the way of the trainee, the same would be relaxed in accordance with what is stated in this regard, if any in the concerned service rule. If the service rule be silent on this aspect relaxation to the extent of the period for which the apprentice had undergone training would be given.
- (4)The concerned training institute would maintain a list of the persons trained year wise. The persons trained earlier would be treated as senior to the persons trained later. In between the trained apprentices, preference shall be given to those who are senior."

The case of the petitioner will be considered whether he is entitled to any of the benefit according to guide lines of the Apex Court or not. If so, he will be given due consideration in the light of the aforesaid guide lines when the regular appointment is made.

With the aforesaid observation, the petition is disposed of finally.

(Irshad Hussain, J.)

(P.C. Verma, J.)

Dt. 4.09.2002

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